Exhibit 1

THOMAS J. MARSHALL
GENERAL COUNSEL
AND EXECUTIVE VICE PRESIDENT



May 29, 2020

Re: Election Mail

Due to the impacts of the COVID-19 pandemic, the Postal Service anticipates that many voters will choose to use the mail to participate in upcoming elections, including the 2020 General Election in November. This letter is a follow-up communication to the 2020 Official Election Mail Kit (Kit 600), which was provided to elections officials in March and which is available at https://about.usps.com/kits/kit600.pdf.

Following up on several topics addressed in that Election Mail Kit, this letter highlights some key aspects of the Postal Service's delivery processes, to allow you to take those processes into account when making decisions and when educating the public on what to expect when using the mail to vote. You will also find some additional recommendations that the Postal Service has regarding how to ensure the efficient and timely handling of mail pertaining to elections (which includes ballots as well as registration cards, absentee-ballot applications, polling-place notifications, or other materials sent from authorized election officials to allow citizens to participate in the voting process, and is collectively referred to as "Election Mail"). These and other issues are discussed in the above mentioned Election Mail Kit and in Publication 632, State and Local Election Mail – User's Guide, which is enclosed to this letter. Publication 632 and other Election Mail resources are available on the Postal Service's Election Mail website at https://about.usps.com/election-mail/election-mail-resources.htm.

How Election Mail can be Sent

As an initial matter, the Postal Service offers a variety of mailing services that voters and election officials may utilize to transmit Election Mail. The two main classes of mail that are used for Election Mail are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. These mail classes have different delivery standards and price ranges, and are subject to eligibility requirements that include the volume of a given mailing and the mailpiece's contents, weight, and size. As a general matter, all Election Mail (including ballots) mailed from individual voters to state or local election officials *must* be sent by First-Class Mail. Election materials (including blank absentee ballots) mailed from state or local election officials to voters may generally be sent by either First-Class Mail or Marketing Mail.

Mail Processing Times Need to be Considered when Communicating Deadlines

It is important to note that First-Class Mail and Marketing Mail have different delivery standards, and that delivery times further depend on the origin and destination of a given mailpiece. Most domestic First-Class Mail is delivered in 2-5 days. Most domestic Marketing Mail is delivered in 3-10 days. However, the Postal Service cannot guarantee a specific delivery date or alter standards to comport with individual state election laws.

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To account for delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), voters should mail their return ballots at least 1 week prior to the due date established by state law. Similarly, for election materials (such as blank ballots) sent to voters, the Postal Service also recommends that state or local election officials use First-Class Mail and allow 1 week for delivery to voters.

It is critical that the Postal Service's delivery standards be kept in mind when informing voters how to successfully participate in an election using the mail, and when state and local election officials are making decisions as to the establishment of deadlines and the means used to send a piece of Election Mail to voters. Voters should be made aware of these transit times when offered the opportunity to request that an absentee ballot be mailed to them, and when deciding when to mail a ballot back to election officials. For example, if a state law requires completed ballots to be received by election officials by a specified date (such as Election Day) in order to be counted, voters should be aware of the possibility that completed ballots mailed less than a week before that date may not, in fact, arrive by the state's deadline. Similarly, if a state law allows a qualified voter to request an absentee ballot shortly before Election Day and requires the state or local election official to mail that ballot to the voter, voters should be made aware that the absentee ballot may not reach the voter before Election Day if requested less than a week before the election.

Proper Labeling Helps Avoid Delivery Delays and Increases Mailpiece Visibility

The Postal Service is committed to the efficient and timely processing and delivery of Election Mail in accordance with its delivery standards, and has developed labeling to provide greater visibility for these mailpieces during processing, including the Official Election Mail logo, which is used on all Election Mail, and Tag 191, *Domestic and International Ballots*, which is used specifically for ballots. Neither Tag 191 nor the Official Election Mail logo is mandatory, and they do not upgrade service or substitute for postage, but they help to alert the Postal Service of the presence of Election Mail in the postal network and distinguish Election Mail from the millions of other mailpieces that are moving through the network.

The Postal Service further recommends that election officials use Intelligent Mail barcodes for their Election Mail. These barcodes are used to improve a mailer's ability to track individual mailpieces and gain greater mailstream visibility. The Postal Service also offers an Intelligent Mail barcode identifier specifically for ballots that increases mailpiece visibility within the processing system, is used by the Postal Service to sort individual mailpieces, and can be used both by the Postal Service and by the mailer to track the delivery and return of ballots.

Consult with Election Mail Coordinators BEFORE Printing Mailpieces

In addition, the Postal Service has assigned election mail coordinators to each locality that stand ready to assist and consult with state and local election officials concerning the logistics of their mailings and the services that are available. A list of election mail coordinators may be found on our website at: https://about.usps.com/election-mail/political-election-mail-coordinators.pdf. Also, mailpiece design analysts will assist election officials in designing and preparing envelopes that are consistent with postal regulations, increase

mailpiece visibility, facilitate the application of postmarks, and allow officials to receive available postage discounts. You may reach a mailpiece design analyst by calling the MDA Customer Service Help Desk at 855-593-6093 (between 8 a.m. and 5 p.m. Central Time, Monday through Friday) or by sending an email to MDA@usps.gov. Mailpieces that do not adhere to the Postal Service's requirements may experience longer processing times or other delivery problems. To avoid incurring delivery delays and unnecessary costs, the Postal Service strongly recommends that state and local election officials work with the Postal Service before designing and printing any mailpieces for use in elections.

This letter, which has been sent to local and state election officials around the country, is part of a broader outreach effort aimed at educating all interested parties about the Postal Service's mailing requirements and services. The Postal Service is proud of its role as an important component of the nation's democratic process and it remains committed to providing the resources needed to implement a successful election season.

Thomas IJ. Marshall

Thankle!

Enclosure\

Exhibit 2

THOMAS J. MARSHALL GENERAL COUNSEL AND EXECUTIVE VICE PRESIDENT



July 30, 2020

Honorable Tahesha Way New Jersey Secretary of State P.O. Box 300 Trenton, NJ 08625

Dear Secretary Way:

Re: Deadlines for Mailing Ballots

With the 2020 General Election rapidly approaching, this letter follows up on my letter dated May 29, 2020, which I sent to election officials throughout the country. That letter highlighted some key aspects of the Postal Service's delivery processes. The purpose of this letter is to focus specifically on the deadlines for requesting and casting ballots by mail. In particular, we wanted to note that, under our reading of New Jersey's election laws, certain deadlines for requesting and casting mail-in ballots are incongruous with the Postal Service's delivery standards. This mismatch creates a risk that ballots requested near the deadline under state law will not be returned by mail in time to be counted under your laws as we understand them.

As I stated in my May 29 letter, the two main classes of mail that are used for ballots are First-Class Mail and USPS Marketing Mail, the latter of which includes the Nonprofit postage rate. Voters must use First-Class Mail (or an expedited level of service) to mail their ballots and ballot requests, while state or local election officials may generally use either First-Class Mail or Marketing Mail to mail blank ballots to voters. While the specific transit times for either class of mail cannot be guaranteed, and depend on factors such as a given mailpiece's place of origin and destination, most domestic First-Class Mail is delivered 2-5 days after it is received by the Postal Service, and most domestic Marketing Mail is delivered 3-10 days after it is received.

To account for these delivery standards and to allow for contingencies (e.g., weather issues or unforeseen events), the Postal Service strongly recommends adhering to the following timeframe when using the mail to transmit ballots to domestic voters:

- Ballot requests: Where voters will both receive and send a ballot by mail, voters should submit their ballot request early enough so that it is received by their election officials at least 15 days before Election Day at a minimum, and preferably long before that time.
- Mailing blank ballots to voters: In responding to a ballot request, election officials should consider that the ballot needs to be in the hands of the voter so that he or she has adequate time to complete it and put it back in the mail stream so that it can be processed and delivered by the applicable deadline. Accordingly, the Postal Service recommends that election officials use First-Class Mail to transmit blank ballots and allow 1 week for delivery to voters. Using Marketing Mail will result in slower delivery times and will increase the risk that voters will not receive their ballots in time to return them by mail.

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• Mailing completed ballots to election officials: To allow enough time for ballots to be returned to election officials, domestic voters should generally mail their completed ballots at least one week before the state's due date. In states that allow mail-in ballots to be counted if they are both postmarked by Election Day and received by election officials by a specific date that is less than a week after Election Day, voters should mail their ballots at least one week before they must be received by election officials. So, for example, if state law requires a mail-in ballot to be postmarked by Tuesday, November 3, and received by Thursday, November 5, voters should mail their ballot by Thursday, October 29, to allow enough time for the ballots to be delivered by November 5. Voters must also be aware of the posted collection times on collection boxes and at the Postal Service's retail facilities and that ballots entered after the last posted collection time on a given day will not be postmarked until the following business day.

Under our reading of your state's election laws, as in effect on July 27, 2020, certain state-law requirements and deadlines appear to be incompatible with the Postal Service's delivery standards and the recommended timeframe noted above. As a result, to the extent that the mail is used to transmit ballots to and from voters, there is a significant risk that, at least in certain circumstances, ballots may be requested in a manner that is consistent with your election rules and returned promptly, and yet not be returned in time to be counted.

Specifically, it appears that a voter may generally request a ballot as late as 7 days before the election, and that a completed ballot must be postmarked by Election Day and received by election officials within 48 hours after the closing of polls. If a voter submits a request at or near the ballot-request deadline, and if the requested ballot is transmitted to the voter by mail, there is a risk that the ballot will not reach the voter before Election Day, and accordingly that the voter will not be able to use the ballot to cast his or her vote. That risk is exacerbated by the fact that the law does not appear to require election officials to transmit a ballot until 2 business days after receiving a ballot request. Even if the requested ballot reaches the voter by Election Day, there is a risk that, given the delivery standards for First-Class Mail, a completed ballot postmarked on or close to Election Day will not be delivered in time to meet the state's receipt deadline of November 5. As noted above, voters who choose to mail their ballots should do so no later than Thursday, October 29.

To be clear, the Postal Service is not purporting to definitively interpret the requirements of your state's election laws, and also is not recommending that such laws be changed to accommodate the Postal Service's delivery standards. By the same token, however, the Postal Service cannot adjust its delivery standards to accommodate the requirements of state election law. For this reason, the Postal Service asks that election officials keep the Postal Service's delivery standards and recommendations in mind when making decisions as to the appropriate means used to send a piece of Election Mail to voters, and when informing voters how to successfully participate in an election where they choose to use the mail. It is particularly important that voters be made aware of the transit times for mail (including mail-in ballots) so that they can make informed decisions about whether and when to (1) request a mail-in ballot, and (2) mail a completed ballot back to election officials.

We remain committed to sustaining the mail as a secure, efficient, and effective means to allow citizens to participate in the electoral process when election officials determine to utilize the mail as a part of their election system. Ensuring that you have an understanding of our operational capabilities and recommended timelines, and can educate voters accordingly, is important to achieving a successful election season. Please reach out to your assigned election mail coordinator to discuss the logistics of your mailings and the services that are available as well as any questions you may have. A list of election mail coordinators may be found on our website at: https://about.usps.com/election-mail/politicalelection-mail-coordinators.pdf.

We hope the information contained in this letter is helpful, and please let me know if you have any questions or concerns.

Sincerely,

Thomas IJ. Marshall

Exhibit 3

From: Glass, Justin - Washington, DC

To: <u>Giles, Robert</u>

Subject: RE: [EXTERNAL] RE: Names and Addresses for BOEs

Date: Thursday, July 9, 2020 11:09:08 AM
Attachments: NJ Primary Ballots Postmarked 7-8.xlsx

Bob,

Here is the count that the Post Offices in NJ reported as postmarking and delivering to the BOEs on 7/8.

BOE	Delivered 7/8 with Postmark 7/8
Bergen County	71
Essex County	90
Hudson County	55
Hunterdon	55
Middlesex County	1266
Somerset County	293
Morris County	1017
Passaic County	551
Sussex County	116
Warren County	189
Union County	522
Atlantic County	206
Burlington County	741
Camden County	0
Cape May County	0
Cumberland	
County	0
Glouster County	63
Mercer County	0
Monmouth County	500
Ocean County	800
Salem County	0

Justin

From: Glass, Justin - Washington, DC **Sent:** Wednesday, July 8, 2020 7:14 PM **To:** Giles, Robert < Robert. Giles@sos.nj.gov>

Cc: Schilling, Dawn <Dawn.Schilling@sos.nj.gov>; Barber, Donna <Donna.Barber@sos.nj.gov>

Subject: Re: [EXTERNAL] RE: Names and Addresses for BOEs

Exhibit 4



Frequently Asked Questions - November 3rd, 2020 General Election

Voter Registration

- Q. What is the Voter Registration Deadline?
- **A.** October 13th, 2020.
- Q. How can I register to vote?
- **A.** Voters can register to vote on online <u>here</u> or by filling out a paper registration form, which can be found <u>here</u>.
- Q. What is considered an "Inactive" voter?
- **A.** An Inactive voter is a voter whose address has come into question. The main way the counties receive this information is via the sample ballots that are sent prior to each election. If a sample ballot is returned as undeliverable or indicates the voter has moved, that voter is put into an "Inactive" status and is sent a confirmation notice informing them that they have until the second federal general election after the date of the notice to update their voting record or appear to vote and complete the necessary form or they will be removed from the voting rolls.

Inactive voters do not get sample ballots and are not eligible to receive a vote by mail ballot until they are put back into an Active status. To update your record to active status through the <u>online voter registration</u> or using a <u>paper registration form</u>.

Q. How can I check my voter registration status?

A. Voters can check their voter registration status on the <u>"Am I Registered?"</u> page on the <u>2020 New Jersey Voter Information Portal.</u>



Q. How do I receive my vote by mail ballot?

A. Every Active registered voter will receive a ballot at the address the voter is registered. You can check your registration status <u>here</u>. If you are not registered to vote, the registration deadline for this general election is October 13th, 2020. New Jersey now offers online voter registration <u>here</u>.

If you don't receive your ballot and you are registered, please contact your county clerk to determine the status of your ballot and next steps. If you did not receive your ballot and would like to receive your ballot by mail you must request your ballot by Friday, October 23rd. Otherwise you must get your vote by mail ballot in-person from your county clerk. If you pick up a vote by mail ballot on Election Day, in person, you have until 8 pm to return it to the Board of Elections, or your polling place, or deposit it in one of your county's secure authorized ballot drop boxes.

You can find your County Clerk contact information here.

Q. Deadline to apply for a vote by mail ballot by mail?

A. All active registered voters will automatically receive a vote by mail ballot. If you haven't received your ballot in a timely matter, you can check the status online here or contact your county clerk here. If you haven't received your ballot, you may apply for a vote by mail ballot by mail by Friday, October 23rd, 2020. Information on how to apply can be found here. Thereafter, you must get your vote by mail ballot in-person from your county clerk. If you pick up a vote by mail ballot on Election Day, you have until 8 pm to return it to the county Board of Elections or your polling place, or deposit it in one of your county's secure ballot drop boxes.



Q. When will ballots be mailed?

A. Ballots will be mailed to voters no later than October 5th, 2020, but some counties will begin before then.

Ballots for U.S. citizens who are active members of the Uniformed Services, the Merchant Marine, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration, their eligible family members, and U.S. citizens residing outside the United States will be sent by September 19th.

Q. How do I know if my vote by mail ballot has been mailed?

A. You can check on the status of your vote by mail ballot online <u>here</u> or you can contact your County Clerk. That contact information is <u>here</u>.

Q. Can I track my vote by mail ballot?

A. Yes, voters can track their vote by mail ballot through the <u>Track My Ballot Portal</u>. First time users have to create an account and will need either a Driver's License Number, Last 4 digits of SSN, or Voter ID Number to validate voter registration status. (If you don't know your Voter ID number, you can obtain it by going to <u>"Am I Registered?"</u> or contact your <u>Superintendent of Elections or Commissioner of Registration</u>)

Q. If I am voting by mail, when must the county Board of Elections receive my ballot?

A. Vote by mail ballots that are sent through the mail must be postmarked by Election Day, November 3rd, 2020, and received by the county Board of Elections on or before November 10th, 2020. Vote by mail ballots that are placed in the county's secure ballot drop box, delivered in-person to the county Board of Elections, or your designated polling place must be delivered by 8pm on Election Day, November 3rd.



Q. How can I return my ballot?

A. Either return your ballot by mail, bring your completed and sealed ballot in-person to your designated polling location or your county's Board of Elections office, or place it in a secure "ballot drop box" located throughout your county.

Q. What is the deadline by which election officials must receive a mailed ballot?

A. Every vote by mail ballot that is postmarked on or before November 3, 2020, and that is received by November 10, 2020, at 8:00 p.m. shall be considered valid and shall be canvassed, assuming the ballot meets all other statutory requirements. Additionally, every ballot without a postmark, and ballots mismarked and confirmed by the post office that those ballots were received by the post office on or before November 3, 2020, that is received by the county Boards of Elections from the United States Postal Service within forty-eight (48) hours of the closing of polls on November 3, 2020, shall be considered valid and shall be canvassed, assuming the ballot meets all other statutory requirements.

Q. Do I have to include a stamp on my ballot return envelope?

A. No, all vote by mail return envelopes have prepaid First-Class postage in order to facilitate the proper delivery of all cast vote by mail ballots.

Q. Do vote by mail ballots require a witness or notary?

A. No, vote by mail ballots do not require a witness or notary. **They do require the voter's signature.**

Q. Do voters casting a ballot by mail need to include a copy of ID?

A. Voters do not need to provide a copy of their ID in order to cast a vote by mail ballot except under certain circumstances for first time voters. These voters will receive a notice with their vote by mail ballot.



Q. What should I do if I make a mistake, damage, or lose my vote by mail ballot?

A. If you have not already returned your ballot, you may request a replacement vote by mail ballot from your county clerk <u>here</u>. If you go to your polling location on Election Day, you will have to vote using a paper provisional ballot.

Q. What is the difference between absentee and vote by mail ballot in New Jersey?

A. The term "absentee ballot" was changed in July 2009 and was replaced by the vote by mail ballot law that allowed a voter to request a ballot by mail for any reason.

Q. Will my other votes be counted if I choose not to vote for a candidate or question?

A. Yes, if you choose to leave a race or question blank, your other votes will still be counted.

Q. Is my Party Affiliation listed on the Outside Return Envelope?

A. No, the 2020 General Election return envelope will not indicate Party Affiliation.

Q. Do I have to vote for the Party I am registered with?

A. No, this is a General Election and you may vote for the candidate(s) of your choice. You may only vote for the number of candidate(s) permitted for the office that you are casting a vote for. Example – Office of President-Vote for One- you may only vote for one. Voting for more than one creates an "Over Vote" which disqualifies the vote cast for that office. Please remember to check the back and any additional pages of your ballot to ensure that you have reviewed all offices up for election and any State, Local or School questions that may be on the ballot.



Q. Will my vote by mail ballot be counted? I heard that vote by mail ballots might not be counted.

A. Every valid vote by mail ballot is counted. Be sure to complete and sign the certificate attached to the inner envelope when you return your vote by mail ballot. Be sure to leave the certificate attached to the inner envelope. Do not put it inside the inner envelope. If you are going to mail your ballot, it must be postmarked ON or BEFORE Election Day, November 3rd, 2020 and received by your county Board of Elections by 8 pm November 10th, 2020. If you are not sure if your ballot will arrive in time, you can drop it off in person at the county Board of Elections, your designated polling place, or one of the county's secure authorized ballot drop boxes, or at your polling place on Election Day. Contact your Board of Elections for drop-off locations. If you are dropping your ballot off in-person, you must do-so by 8 pm on Election Day, November 3rd, 2020.

Q. When does the County Board of Elections begin counting ballots?

A. Ballots are processed as soon as they arrive at the Boards of Elections. The Boards of Elections may start counting ballots 10 days before the election. The counting of ballots will continue until after the deadline for receipt of timely mailed postmarked mail-in ballots, on November 10th at 8pm.

Ballot Drop Boxes

Q. What is a "Ballot Drop Box"

A. A ballot drop box is a secure, locked structure operated by election officials where voters may deliver their ballots from the time they receive them in the mail up to the time polls close on at 8 pm on Election Day, November 3rd. There will be at least 10 drop boxes located throughout each county, which will be available 24 hours a day. Drop boxes will be under surveillance by security cameras and collected daily by county election officials.



Q. Where can I find the locations of the ballot drop boxes?

A. You can find that information <u>here</u> on the 2020 New Jersey Voter Information Portal.

"Bearers"

Q. Can I deliver more than 1 vote by mail ballot to the Board of Elections office or place it in the ballot drop box?

A. A person who transports a cast (completed) vote by mail ballot for someone else is considered a "Bearer". Bearers are limited to THREE (3) ballots per Election. Any Bearer Ballots that exceeds the three limit must be REJECTED. The Bearer MUST SIGN the "Bearer Portion" of the outer envelope of the ballot in the presence of the voter when taking custody of the ballot. If the Bearer is hand-delivering the ballot to the county Board of Elections, then he/she MUST SHOW ID AND SIGN the Bearer Book. It is against the law for anyone except you, the voter, to mail or transport your ballot unless the outer envelope is sealed and the "Bearer Portion" is completed.

Q. Can I deliver more than 1 vote by mail ballot to my polling location?

A. Only you, the voter, can bring your ballot to your polling place on Election Day. If another person will be mailing your ballot, bringing it to a secure ballot drop box, or delivering it to the county Board of Elections, make certain that person completes the "Bearer Portion" on the envelope addressed to the Board of Elections before the ballot is taken from you. No person who is a candidate in this election is permitted to serve as a bearer. No person is permitted to serve as a bearer for more than three qualified voters in an election. It is against the law for anyone except you, the voter, to mail or transport your ballot unless the outer envelope is sealed and the "Bearer Portion" is completed.



Voting In-Person/Provisional Ballots

Q. Can I vote in-person at my polling location?

A. Yes, but only by paper provisional ballot. If you go to a polling location to vote on Election Day, you will be provided with a paper provisional ballot. If you have a disability that prevents you from voting on a paper ballot, you will be provided access to an accessible voting device. Also, a voter may drop off their vote by mail ballot at their polling place.

The November 3rd, 2020 General Election is being conducted primarily by vote by mail. If you haven't received your vote by mail ballot, please contact your county clerk <u>here</u>.

Q. What is a provisional ballot?

A. Normally a provisional ballot is cast by a voter whose eligibility to vote cannot be confirmed at the polls on Election Day. For the November 3rd General Election all voters, except those with a disability, are required to vote using a paper provisional ballot. If, after the election, it is determined that the voter who cast the provisional ballot was eligible to vote, the ballot will be counted.

Q. Will voters casting a provisional ballot in-person be required to wear a mask?

A. All voters are asked to wear a face covering and observe appropriate social distancing.

Q. Is there an early voting period in New Jersey?

A. There is not an in-person (polling place/vote center) early voting period. However, voters will be able to return their vote by mail ballots early to a secure ballot drop box, by mail, or in person to their Board of Elections office. Dropbox locations can be found here on the 2020 New Jersey Voter Information Portal.



Signature Verification/Matching

- Q. Are ballots subject to signature matching? If a voter submits a ballot that lacks a signature or the signature is determined not to match the signature in the voter's voting record, will that voter be notified?
- **A.** Yes, if your vote by mail ballot or provisional ballot was missing your signature or the county Board of Elections has determined that your signature does not match the signature in your voting record, your county Board of Elections will provide you an opportunity to certify that you did, in fact, cast that ballot.
- Q. Why am I receiving a letter, call, and/or email saying that my vote by mail ballot or provisional ballot was missing a signature, or that the signature did not match, and asking for additional information?
- **A.** If your vote by mail ballot or provisional ballot was missing your signature or the county Board of Elections has determined that your signature does not match the signature in your voting record, your county Board of Elections will provide you an opportunity to certify that you did, in fact, cast that ballot.

Q. When does the Board of Elections start verifying the ballot signatures?

A. The County Boards of Elections shall meet at least four (4) days per week starting October 13, 2020 to begin verifying the signatures on the vote by mail ballots. Voters whose ballots are rejected for a missing or a mismatching signature, will be contacted and given the opportunity to cure the signature defect.



Poll Worker

Q. How can I be a poll worker on Election Day?

A. Submit an <u>application</u> to be a poll worker for the November 3rd General Election. Citizens of all ages, including college and high school students, are encouraged to apply. Training is required and will be provided.

Q. What if I believe an election crime or voter fraud has been committed?

A. If you would like to report a potential election crime or incident of voter fraud, please call **1-877-NJ-VOTER**.